Forest Land- Gadchiroli.

Diversion of 4.928 ha. forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Up gradation of existing Highway NH 543 to four lane standards in a stretch from Jambhulkheda-Gothangaon-Kurkheda town from (km 410+000 to km 413 + 270) Package-II in Wadsa Forest Division at Compt. No.982, 976 & 984 in Village-Jambhulkheda, Gothangaon & Kurkheda, Taluka-Kurkheda of District-Gadchiroli in the State of Maharashtra.

Government of Maharashtra
Revenue and Forest Department
Government Order No.: FLD-36A24/C.R.73/F-10
Mantralaya, Mumbai-400 032
Date:- 12.03.2024

Reference:-

Additional Principal Chief Conservator of Forests & Nodal Officer, MS, Nagpur Letter No. Desk-17/FCA-S1/PID-464280/ Gadchiroli/3337, Dated- 04.03.2024.

Preamble:-

Additional Principal Chief Conservator of Forests & Nodal Officer, MS, Nagpur has submitted a proposal for diversion of of 4.928 ha. forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Up gradation of existing Highway NH 543 to four lane standards in a stretch from Jambhulkheda-Gothangaon-Kurkheda town from (km 410+000 to km 413 + 270) Package-II in Wadsa Forest Division at Compt. No.982, 976 & 984 in Village- Jambhulkheda, Gothangaon & Kurkheda, Taluka-Kurkheda of District-Gadchiroli in the State of Maharashtra.

Order:-

In exercise of powers under general approval given by MoEF&CC, Govt. of India vide Handbook of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Guidelines-2023, Chapter 4 (para-4.1), Government of Maharashtra is pleased to grant **'In-Principle'** approval to the diversion of of 4.928 ha. forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Up gradation of existing Highway NH 543 to four lane standards in a stretch from Jambhulkheda-Gothangaon-Kurkheda town from (km 410+000 to km 413 + 270) Package-II in Wadsa Forest Division at Compt. No.982, 976 & 984 in Village-Jambhulkheda, Gothangaon & Kurkheda, Taluka-Kurkheda of District-Gadchiroli in the State of Maharashtra.

The details of Forest Land proposed for diversion are as under:-

Sr. No.	Name of Village	Start Chainage	End Chainage	Total km	Compt. No.	Survey No.	Length	Width	Area (Sq.m)	Area (Ha.)	Legal Status
1	Jambhulkheda	410000	410235	235	982	8	232.870	11	2561.569	0.256	PF
						104	231.334	11	2544.676	0.254	
2	Gothangaon	410235	410420	185	976	207	42.413	11	466.548	0.047	
						205	34.120	11	375.317	0.038	
						192	196.026	11	2156.291	0.216	
		410660	411700	1040		193	284.365	11	3128.019	0.313	
						192	470.877	11	5179.649	0.518	
						191	712.955	11	7842.509	0.784	
						144	48.911	11	538.025	0.054	
		410420	410660	240	-	204	73.679	11	810.464	0.081	
					-	198	120.354	11	1323.898	0.132	
					-	198	35.273	11	388.002	0.039	
					-	202	37.169	11	408.856	0.041	
3	Kurkheda	411700	412455	755	984	174	314.282	11	3457.101	0.346	
						168	252.270	11	2774.965	0.277	
						167	204.813	11	2252.941	0.225	
						171	314.243	11	3456.672	0.346	
						165	309.773	11	3407.499	0.341	
						163	6.067	11	66.732	0.007	
						162	78.975	11	868.72	0.087	
		412455	413270	815	-	116	40.679	22	894.941	0.089	
					-	118	82.553	22	1816.176	0.182	
					-	72	11.600	11	127.605	0.013	
					-	96	83.510	11	918.615	0.092	
					-	100	137.625	11	1513.873	0.151	
				3270			**4356.737**		**49279.66**	**4.928**	

2. This 'In-principle' approval is issued subject to the following conditions:-

1) The legal status of the land shall remain unchanged.

2) User Agency shall submit the Record of Rights of proposed Compensatory Afforestation land along with Stage-1 compliance.

3) The demarcation of the proposed forest area shall be carried out at suitable places as per the direction of the DCF concerned at the cost of User Agency.

4) User Agency has proposed 4.928 ha. Non-forest land that has been given by the District Collector in Village Sonsari, Taluka Kurkheda, District Gadchiroli in Survey No. 216/1/B. KML File shows that, the non-forest land proposed for Compensatory Afforestation, more than 50% of its part is covered with trees. Hence, Deputy Conservator of Forest, Wadsa shall ensure about this. If more than 50% of its part is covered with trees, this non-forest land can be accepted in lieu of forest land, irrespective of crown density and propose 4.928 ha. degraded forest land for compensatory afforestation. Accordingly, implement the Compensatory afforestation scheme on the degraded forest land and submit the record of rights and KML file along with the Stage-1 Compliance Report.

5) Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

6) **Compensatory Afforestation:-**

a) Compensatory afforestation shall be taken up by the Forest Department over 4.50 ha. non-forest land that has been given by the District Collector, Gadchiroli in Village-Sonsari, Taluka-Kurkheda, District-Gadchiroli in Survey No.216/1/B at the cost of the User Agency; As far as possible. a mixture of local indigenous species along with 10% RET species of Gadchiroli District shall be planted and monoculture of any species may be avoided.

b) The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

7) **Net Present Value:-**

a) The Forest Department shall charge the Net Present Value (NPV) for the 4.928 ha. Forest land to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 & File No.5-3/2011-FC(Vol-I), Dated 06/01/2022 in this regard.

b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged from the User Agency. The User Agency shall furnish an undertaking to this effect.

8) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the 'Final' approval under the Adhiniyam.
9) The non-forest land transferred and mutated in favour of the State Forest Department or the revenue forest land, as the case may be, shall be notified by the State Government as Protected Forests under section 29 of the Indian Forest Act, 1927 or under the relevant section(s) of the local Forest Act, before issue of the "Final' approval under the Adhiniyam. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land as PF, along with compliance of 'in-principle' approval.
10) All the funds received from the User Agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (https://parivehs.nic.in);
11) To improve the Forest / Tree cover and to reduce pollution in the State, as mandate in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DCF shall raise at least 5,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted by User Agency in the vicinity of project area including forest area and remaining 50% of seedling shall be distributed among villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation / seedling distribution to villagers.
12) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
13) State Forest Department shall undertake avenue plantation as per IRC norms at the cost of User Agency;
14) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
15) The User Agency shall provide suitable under over pass for safe passage of wild animals at suitable places as per Wildlife Institute of India's manual entitled "Eco-friendly Measures to Mitigate Impacts of Linear Infrastructure on Wildlife" published in 2016;
16) No labour camp shall be established on the forest land and the User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
17) The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;
18) The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
19) The user agency in consultation with the concerned Deputy Conservator of forest shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material

shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

20) The total forest area utilized for this project shall not exceed 4.928 ha. and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. The User Agency shall furnish an undertaking to this effect;

21) The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;

22) User Agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;

23) Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourers after purchasing the same from the State Forest Department or the Forest development Corporation or any other legal source of alternate fuel;

24) The User Agency shall ensure compliance to all acts, rules, regulations and guidelines of the Ministry for the time being in force, as applicable to the subject project;

25) The layout plan of the proposal shall not be changed without prior approval of State Government (Forest Department).

26) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.

27) The forest land shall not be used for any purpose other than that specified in the project proposal.

28) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of the State and Central Government.

29) This approval shall be valid only for the diversion of forest land outside the confines of the Protected Areas.

30) This sanction is subject to the final clearance by the competent authorities for the project.

31) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied by the User Agency.

32) Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as per the provision of Adhiniyam and rules / guidelines issued there under;

33) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

34) The compliance report shall be uploaded on e-portal (https://parivesh.nic.in/).

3. This Government Order is available at the Government of Maharashtra's website www.maharashtra.gov.in with reference No. 202403121805068519. This Order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

GANESH TUKARAM JADHAO

Digitally signed by GANESH TUKARAM JADHAO
DN: c=IN, o=GOVERNMENT OF MAHARASHTRA, ou=REVENUE AND FOREST DEPARTMENT, 2.5.4.20=0078f58512d3ac01315bbbfa4b473ed7729dd2d3164410 6e2966ab9ee6e92d7d, postalCode=400032, st=Maharashtra, serialNumber=6FEEDE606678D569A76B842319BD1C2969AA85BB A5CDCCEE147249F17965E8BB, cn=GANESH TUKARAM JADHAO
Date: 2024.03.12 18:14:14 +05'30'

(Ganesh Jadhao)
Under Secretary to the Government of Maharashtra

Copy to:-

1. Secretary, Ministry of Environment, Forests & Climate Change, Government of India, New Delhi
2. Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State, Nagpur.
3. Deputy Director General of Forest (Central), Integrated Regional Office, Ministry of Environment, Forests & Climate Change, Government of India, Nagpur.
4. Additional Principal Chief Conservator of Forests & Nodal Officer, M.S., Nagpur
5. Principal Chief Conservator of Forests & CEO (Maha-CAMPA), M.S., Nagpur
6. Additional Principal Chief Conservator of Forests (Conservation), M.S., Nagpur
7. Collector, Gadchiroli.
8. Chief Executive Officer, Zilha Parishad, Gadchiroli.
9. Conservator of Forests (T), Gadchiroli.
10. Deputy Conservator of Forests, Wadsa.
11. Executive Engineer, National Highway Division, Gadchiroli.
12. Select File (F-10)